



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: June 27, 2006
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of March 28 and 30, 2006

RECOMMENDATION

It is recommended that the City Council approve the Minutes of March 28 and 30, 2006.

Regular Meeting of March 28, 2006

A regular meeting of the City Council was called to order by Mayor Petersen at 6:10 p.m., Tuesday, March 28, 2006, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:

Mayor Floyd Petersen
Robert Christman
Robert Ziprick
Charles Umeda

Councilman Absent:

Mayor pro tempore Stan Brauer

Others Present:

City Manager Dennis R. Halloway
City Attorney Richard E. Holdaway

CC-2006-051 – Workshop – State of California Housing and Community Development Department regarding regional housing allocation requirements

Director of Community Development Woldruff introduced Paul McDougal of the State Community Department of Housing and Community Development, who reviewed the Housing Element of the Draft General Plan, and Mark Lovington, Legal Counsel to HCD.

Mr. McDougal stated that he would provide a brief context of the housing situation in California; an overview of Housing Element Law; and then focus on the adequacy requirements, housing needs, and consequences if a city did not meet the Housing Element requirements.

He noted that the Department was part of the Business and Transportation and Housing Agency that administered funding programs in addition to Building Codes. The Housing Policy Development Division reviewed housing elements in addition to legislation and housing policy/land use related subjects.

He reviewed the factors influencing the housing demand in California: strong population growth, housing supply shortage even in the recent record production years, job growth, and sharply declining affordability. He elaborated that consistently for the last three decades, approximately 500,000 people were added to California's population each year, two-thirds of which were from existing communities (natural population increase with births exceeding deaths). He noted that in 2004, 50,000 people were added to San Bernardino County.

With the increase of population came the need to increase the housing supply statewide of approximately 220,000 housing units per year. Even in the record-production years, that need was not met. California's median home price is \$550,000, which results in affordability problems for communities. Last year California was home to approximately four-fifths of the least affordable markets in the nation. Affordability was sharply declining in that during 2003 in San Bernardino County only 35 percent of households could afford a home. That number in 2006 was reduced to 18 percent.

Housing directly affects long-term economic prosperity in that employers cannot attract employees if housing is not available nearby. Commuters also affect air quality.

Mr. McDougal went on to explain that the Housing Element was one of seven mandated elements to the General Plan. Unlike some of the other Elements, the Housing Element had very specific statutory requirements; a short-term planning horizon of five years; and a declaration from the Legislature that cities and counties had the responsibility to plan for housing needs. He then presented the framework of Housing Element Law: Ascertain a problem; identify resources, constraints, alternatives; implement an action plan; review programs, progress made, existing housing needs, including special housing needs; sites inventory, land use controls. Sufficient sites must be identified to accommodate regional housing need. Proactive efforts are required to assist in the development of housing for low and moderate income households; to address constraints; promote fair housing; and to maintain existing housing.

He then addressed the five components of the adequate sites requirement:

- 1) Regional housing needs allocation, the number of units to be planned for in the Housing Element time period in total and by income group;
- 2) Conduct inventory of sites to make the Housing Element a working land use tool by identifying sites that are ready and feasible to be built in the planning period to address the housing needs;
- 3) Conduct an analysis of the identified sites to ensure that the sites are suitable, available, and realistically can be built;
- 4) Provide sites with zoning for a variety of housing types;
- 5) Ascertain if there are sufficient sites to meet the regional housing need allocation. If the regional housing need cannot be met, then very specific requirements are outlined.

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Each site that could be built on during the planning period should be identified by APN or some other identifier; zoning as well as the General Plan designation should be applied; the size of the site identified as well as the existing use. The analysis should include:

- 1) Known environmental constraints that may impede development of the sites during the planning period;
- 2) Methodology for calculating the capacity of the sites, including land use controls, site improvements, etc.;
- 3) Appropriate zoning to encourage and facilitate housing for low-income households (density). AB2348 states that local governments can either demonstrate on analysis based upon financial feasibility factors or elect to take a default density standard, which for Loma Linda is 20 units per acre, based upon population. The default standard allows a city to meet the number without requiring the analysis as part of the Housing Element.
- 4) An analysis that sites are suitable and can be realistically built on during the planning period if non-vacant sites are used to meet regional housing needs.
- 5) A description of existing and planned infrastructure capacity, particularly as it relates to regional housing needs. In other words, does the infrastructure have the capacity to meet the regional housing needs in total.
- 6) A map of sites for basic reference.

Zoning should be inclusive to promote choice to better accommodate everyone in the community. The Zoning Code should include: transitional housing, emergency shelters, housing for farm workers, multi-family housing.

The statutory requirements relating to unmet regional needs include:

- 1) A program to address the shortfall of sites
- 2) Accommodation of 100 percent of the remaining lower need
- 3) Approval of development on those sites by right (no CUP, PUD or other discretionary review. Design review should not trigger CEQA)
- 4) Meeting the requirement of 16 units per site with a minimum density standard of 16 or 20 units per acre, depending upon the population.
- 5) No more than 50 percent of the remaining need to be accomplished on mixed-use sites.

Benefits of meeting the adequate sites requirement provides an opportunity to review the community's housing needs and determining whether a shortfall exists and the appropriate action to be taken; maximizing limited resources; optimizing financial resources; and preserving environmental resources. Design offers opportunities to enhance the character of a community, plan for future generations, increase property values, preserve open space, agricultural and natural resources through density and design; mitigate impacts on water and air quality; maximize and utilize transportation facilities more efficiently.

Consequences for non-compliance with Housing Element Law includes:

- 1) Missed opportunity to provide for future generation housing needs;
- 2) Decreased economic prosperity of the community;
- 3) Funds tied to Housing Element compliance may be withheld, such as HOME funds, CDBG Grants, Down Payment Assistance Grants for homebuyers when regulatory relief is provided to a project, as well as Workforce Housing Grants.

Mark Lovington presented an overview of potential legal action for non-compliance, stating that the Housing Element process was unique in that there was recognition for the need of local control and responsibility and the need to utilize that responsibility in pursuit of a statewide goal of increasing housing for all income categories.

HCD was the only state agency charged with the responsibility of reviewing an element of a local General Plan in recognition of the statewide housing need. The requirements were much more specific than any of the other General Plan Elements. The Draft Housing Element is reviewed and a report is provided to the local government as to whether or not the Draft substantially complied with the requirements of Housing Element Law. Adopted Housing Elements are also reviewed for compliance.

The Department makes its findings and if the Housing Element is not in compliance, the locality is subject to lawsuit from private individuals, housing advocates, builders and others wishing to seek compliance. Most lawsuits relate to not meeting the adequate sites requirement in that it is one of the more critical factors in a Housing Element because it relates to production of the needed housing and is more quantifiable in that it compares the RHNA number to what is available on the sites. Rather than having a subjective determination as to adequacy, the numbers tell the story.

A question and answer period followed. In response to questions, he indicated that future allocations may be tied to the adoption of the Regional Transportation Plan since they are similar and related processes as to location of transportation resources and location of housing. The fact that land is open space, parkland is something that affects the availability of sites as does environmental constraints. Those factors were

taken into consideration as well as market conditions, job growth, and transportation when considering availability of land.

Mr. McDougal elaborated that capacity may need to be sought in other areas in order to comply with the allocation requirements for all income groups. Densities may need to be increased in residentially zoned areas where lower density may have been preferable in order to meet the housing allocation. If areas were down-zoned, there may be other responsibilities in other statutory areas to address that loss in residential capacity. He also confirmed that if a city did not meet its allocation in one planning period, the unmet allocation for all income groups was added to the next planning period's allocation.

The City Council recessed at 6:57 p.m. and reconvened at 7:12 p.m. with all members present except Mayor pro tempore Brauer. Councilman Christman led the invocation and Pledge of Allegiance.

CC-2006-052 – Items to be Added or Deleted

City Attorney Holdaway asked that a closed session be added pertaining to pending litigation in the matter of Noel Christensen et al., versus the City, stating that a tentative opinion was received that was favorable to the City; however there was a question as to whether the City would waive oral arguments. He asked that the findings be made that the item became known to the City subsequent to the posting of the agenda and that there was a short period within which to respond.

Motion by Ziprick, seconded by Umeda and carried to make the findings and add a closed session pertaining to the pending litigation item as stated by the City Attorney. Mayor pro tempore Brauer absent.

Special Counsel Huebsch stated that another item pertained to the potential sale of real property in the east Poplar Area and although there was a related item on the agenda, other issues have arisen that would be appropriate to discuss in closed session.

Motion by Christman, seconded by Umeda and carried to make the findings and add the item as stated as a closed session item. Mayor pro tempore Brauer absent.

Oral Reports/Public Participation

Georgia Hodgkin, 24350 Lawton Avenue, spoke regarding the Save Loma Linda Referenda relating to the University Village and Orchard Park Specific Plans, and asked that certain procedures within the Civic Center be changed. She elaborated that both Referenda were denied by the Court because the wrong resolutions and ordinances were attached.

Councilman Umeda asked the City Manager to investigate the chain of events and report because of the allegations against the City Clerk and Staff. City Attorney Holdaway explained that the process of adopting resolutions and ordinances, based upon public input during a public hearing, very often require modifications to what was presented in the Staff report to incorporate the approval actions taken by the City Council. If Save Loma Linda did not receive the final signed documents, it was his opinion that the Court reviewed whether or not the final amendments were included in the referenda distributed for signature.

Mrs. Hodgkin countered that the resolutions and ordinances had not been signed by the 13th day after the City Council had taken action and the period within which to obtain signatures was only 30 days.

Mayor Petersen stated that the attorney hired by Save Loma Linda insisted on receiving signed resolutions and ordinances; at the time the request was made, the documents had not been signed; and so either members of Save Loma Linda or its attorney obtained a copy of the staff report that resulted in receiving what Mrs. Hodgkin called wrong information.

Councilman Ziprick asked Mrs. Hodgkin to put her allegations in writing. He noted that during the various meetings, none of the issues or allegations brought up this evening was mentioned. Mayor Petersen also asked that if she wanted the City Council to review her concerns, that she put them in writing. Mrs. Hodgkin concurred.

No conflicts of interest were noted. Mayor Petersen introduced Kathleen Oliver, his sister, who was visiting from St. Helena, California.

Scheduled and Related Items

CC-2006-053 – Proclamation declaring April 2006 Child Abuse Prevention Month

Mayor Petersen read the proclamation and called Susan Taylor of Children's Network forward to accept the proclamation. Ms. Taylor acknowledged the City Council and stated that Children's Network approached preventing child abuse by educating parents through positive parenting classes and networking with the Loma Linda Children's Hospital for other classes regarding child safety. Information and brochures were available to parents, organizations, schools, libraries and businesses to educate and therefore reduce child abuse.

CC-2006-054 – Proclamation declaring April 17-23, 2006 National Community Development Week

Mayor Petersen noted that CDBG funds have been available and used within the City for public improvements such as the Senior Center, street improvements, sidewalks, and other projects; also, a portion of the funds were allocated to public service agencies. He then read the proclamation and presented it to Public Works Director Thaipejr for transmittal to the County Economic and Community Development Department.

CC-2006-055 – Proclamation declaring April 23-29, 2006 Recording for the Blind and Dyslexic's Record-A-Thon Week

Mayor Petersen read the proclamation and presented it to Frank Coffman, a volunteer with Recording for the Blind and Dyslexic, who stated that volunteers read text books for ages from kindergarten to post graduate for the purpose of recording to benefit the blind and dyslexic. He then invited City Council Members and other interested persons to visit the Upland studio where volunteers provide over 17,000 hours of their time to help others.

CC-2006-056 – Presentation by George Pendered of a Pencil Sketch of the American Flag donated for permanent display in the Senior Center Lobby and introduction of the artist, Glenn Kerr, M.D.

George Pendered stated that it was hoped that this piece of artwork would be part of a larger collection to be displayed permanently in the Senior Center. He then introduced Dr. Kerr who commented that he attends painting classes at the senior center, and recognized what the community provided for its citizens. He expressed gratitude that his graphite pencil sketch could be displayed for the enjoyment of others.

CC-2006-057 – Recognition of Peter R. Hills, former Director of Public Safety and City Manager for his service to the community on the occasion of his retirement as County Fire Chief/Fire Warden

Mayor Petersen stated that Mr. Hills visited the community several years ago and applied for a position with the City in the engineering department; advanced through the ranks to become Director of Public Safety/Fire Chief and Interim City Manager, providing excellent service to Loma Linda. He then took a position as County Fire Chief/Fire Warden, serving the County and guiding it through several fires, including the recent Old Fire. He then presented Mr. Hills with a Key to the City.

Mr. Hills acknowledged each Council Member and spoke briefly, stating that he began his career of 26 years with the City on December 12, 1971. He gave recognition to the City's first City Manager Paul Bussey, who gave him his start, and the City's first Fire Chief, Bob Rushing, who he considered his mentor until his death a few years ago. He expressed appreciation to the City Council and its citizens.

Council Members extended best wishes to Mr. Hills upon his retirement.

CC-2006-058 – Presentation by SANBAG regarding circulation issues and update on plans for local rail passenger service in Loma Linda

Ty Schuilling of SANBAG presented a Power Point presentation of travel data gathered from the 2000 census, focusing on where Loma Linda residents work and where people employed in Loma Linda live. He focused on work trips only, noting that work trips were very significant because of occurrence during peak periods both morning and evening and were typically the longest trips because people were willing to travel greater distances to work rather than shopping, visiting, or other travel opportunities.

He went on to say that:

- 1) Loma Linda had experienced population increases as well as increases in the number of jobs in the City.
- 2) The number of jobs in Loma Linda approximated 13,000.

- 3) Working Loma Linda residents numbered 7,700.
- 4) As a basis for comparison, the City of Redlands had approximately 26,000 workers living in Redlands and about 25,000 jobs.
- 5) The 13,000 jobs in Loma Linda were filled by 21 percent of Loma Linda residents.
- 6) About four-fifths of the jobs in Loma Linda were filled by people who did not live in Loma Linda, but rather commuted into Loma Linda on a daily basis.
- 7) Of the total number of people filling jobs in Loma Linda, 3 percent came from coastal counties of Los Angeles, Orange, and San Diego; 4 percent from the mountain and desert portions of San Bernardino County; 16 percent from Riverside County ranging from the Coachella Valley to the east to points west of Riverside, such as Corona; 56 percent of the workers in Loma Linda came from other areas in the San Bernardino Valley, other than Loma Linda.
- 8) 35 percent of the people living in Loma Linda worked in Loma Linda; 5 percent commuted to Orange, Los Angeles, or San Diego Counties; 2 percent worked in mountain/desert jobs; 12 percent commuted to Riverside County; and 48 percent worked in other cities or unincorporated communities in the San Bernardino Valley.
- 9) Four out of five of Loma Linda jobs were filled by those living outside of Loma Linda.
- 10) Only one in three working Loma Linda residents worked in Loma Linda; two-thirds went elsewhere to work.
- 11) If all 7,700 workers who resided in Loma Linda worked in Loma Linda, Loma Linda would still need to import 5,300 workers each day.
- 12) Because the 7,700 workers residing in Loma Linda didn't work in Loma Linda, more than 10,000 outside workers were needed in Loma Linda each day.
- 13) Each one of those 10,000 workers represented 20,000 trips to and from Loma Linda each day.
- 14) The above statistics only related to workers/jobs; the numbers did not reflect the daily trips for those who came into Loma Linda for services.

He then asked if having 10,000 workers commuting in each day was preferable to trying to accommodate more workers locally, and if traffic congestion was related to vehicle miles of travel, could more local housing opportunities relative to the number of jobs help congestion. He also indicated that more housing did not mean more congestion.

Mr. Schuilling then displayed a graph that showed time intervals from 1970 through the year 2040; the number of people entering the age of 65+ category within each of the five-year intervals. The graph showed that within the SCAG region within the last 15 years, the number of people entering the age of 65 and above was approximately 125,000 per year; however, starting in the five-year interval 2005-2010, that number was going to increase to 230,000; the interval of 2010-2015, that number was expected to reach 300,000 and in 2015-2020, the number was estimated to reach 550,000.

He indicated that it was the responsibility of all to provide appropriate housing opportunities for this age group, and that the nature of the number of people entering the age category of 65 and over was such that the housing opportunities needed may not be consistent with the kinds of housing products that people envisioned today.

He went on to say that the time period of 1975-2000, about 27.5 percent of the population was under 20 years old (dependents, students, those not paying taxes and in the lower category of earning power); 61 percent were the income earners and taxpayers who supported those younger and older; the 65 and older population was approximately 11 percent. In the current time period, the number of people under 20 is over 30 percent; those over 65 was approaching 30 percent and those within the 21-64 age category who were the income earners and taxpayers was shrinking to under 40 percent.

Mr. Schuilling then reviewed income levels as a function of age, noting that those under 25 generally had household incomes of less than \$20,000/year; the highest income category was within those whose ages were between 45-54 of \$60,000; then the household income started to lessen because those 55 and older retired, so the income generally was around \$45,000 and became \$20,000 for those 65 and older. He then reviewed the cost of people as a function of age. In the younger age groups, public education was a major cost, but as people age, social security and entitlements supplied by the government became major issues and in later years, health care costs were significant.

He then addressed housing needs of the various age groups, stating that in the age group of 20-29, demand for higher education, smaller units, and apartments would increase rapidly over the next 15 years; for those within the age group of 25-34 years of age, the demand for first time homebuyers would explode in the time period of 2005-2020, so provision needed to be made for starter homes. However, those within the age group of 35-54 bought large homes on large lots from about 1990-2005, but that was declining rapidly because the demand for that type of housing product was estimated to continue to decline through about 2020 and then could spike again after 2020.

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Because of the aging population and so many leaving the labor force, economic growth and growth in jobs would be very slow. The demand for multi-family residences would increase over the next 10-15 years on demographic grounds; the number of first time homebuyers would increase provided that affordability was available and the demand for repeat home purchases, and purchase of estate homes would decline through 2020.

As part of the new Measure I period of 2010-2040 and as a result of acquisition of Burlington Northern Santa Fe property, SANBAG owned the Burlington Northern-Santa Fe line extending from San Bernardino into Redlands, proposed station sites included an area near California Street and Mt. View Avenue. He stated that consultants would be working with the Cities of San Bernardino, Loma Linda and Redlands to look at opportunities for transit oriented development within reasonable proximity of the proposed station sites. Federal funding was available to assist in offsetting a substantial share of the capital costs of the transit project. A feasibility study showed that given appropriate land uses within the vicinity of the stations, rail service would be feasible. As growth continued, light rail service into downtown San Bernardino would be highly desirable because it would avoid freeway traffic to connect to the Metro Link to go to other destinations. He noted that light rail service required higher intensity of housing.

A question and answer period followed. In response to comments he stated that in order to reduce trip generation, land use must integrate employment-accommodating land uses and residential land uses; for many years planning focused on separation of neighborhoods and job sites; our current era required the mixing of uses so that people may live directly above their job site; also use of light rail was only effective if people were located in close proximity to the stations so they didn't have to get into their cars to get to the station.

CC-2006-059 – Public Hearing – Approximately 8.82 acres on the east side of Poplar Street, south of San Timoteo Creek

- a. Council Bill #O-2006-02 (Second Reading/Roll Call Vote) – Zone Change No. 06-01 from Multiple Family Residence (R-3) to Planned Community (PC)
- b. Tentative Parcel map No. 06-01 – to reconfigure the existing 27 lots into three (3) parcels
- c. Conditional Use Permit No. 06-01 – for approval of a 44-unit, three story affordable housing apartment building; and conceptual approval of 25 affordable condominiums and 37 single-family market homes

Mayor Petersen opened the public hearing, and Assistant Planner Colunga presented the report into evidence stating that on March 14, the item was presented to the City Council; the Negative Declaration was adopted and approval was granted for the Certificate of Appropriateness for the request to demolish six structures to make way for the subject development.

Mr. Colunga outlined the project as the east side of Poplar Street, south of the San Timoteo Creek Channel, and approximately 300 feet north of Van Leuven Street and stated that the Redevelopment Agency currently owned the site. He stated that the development proposed to provide three types of housing consisting of 44 apartments, 25 condominiums and 37 single-family homes; the applicant would purchase two of the parcels for the siting of the condominiums and single-family houses and would lease the apartment parcel. The conditions of approval were modified per prior direction of the City Council to provide for a half court basketball court instead of a full court; the HOA was to maintain the front yard landscaping of the condominiums and the houses; and rear yard landscaping would be provided for the single-family houses. He stated that a Disposition and Development Agreement would be required. He then recommended that the City Council approve the apartment component and conceptually approve the single-family houses and condominiums. He also stated that the applicant would address the concerns of the Planning Commission in a tract map submittal and a precise plan of design.

Mary Silverstein, Executive Vice President of Corporation for Better Housing, the applicant, addressed concerns about very low-income housing. She stated that the property management firm of Beacon in Rancho Cucamonga was very experienced in managing very low-income units. The firm practiced a zero tolerance crime free policy. She also stated that Corporation for Better Housing tax credit units required supervision both financially and on-site. She also stated that Corporation for Better Housing retained ownership of its units; the subject apartment parcel would be leased from the Redevelopment Agency for a minimum period of 55 years.

Others speaking were: Darla Stern, 25177 Palm Drive, who supported the project because of its affordability and neighborhood improvement, but indicated there were no three-story apartments on Poplar Street; Georgia Hodgkin, 24360 Lawton Avenue, opposed the project because of traffic and lack of 7200 square-foot lots; Stewart Albertson, 25665 Reed Way, supported the project, noting the affordability factor for both renters and homebuyers; Glenn Elssmann, 25814 Business Center Drive, also supported the project, noting the opportunity for partnering with Inland Temporary Homes for the purpose of providing transitional housing for families who completed ITH training and were ready to begin a new life.

PENDING CITY
COUNCIL APPROVAL

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Ms. Silverstein presented the project, stating that application for a grant from the Federal Home Loan Bank Affordable Housing Program (AHP) in the amount of \$500,000 was due April 1; an HCD Multi-Family Housing Program (MHP) grant of \$2.5 million was also being sought specifically for the project. Although the grant applications were due in April, the award was granted much later. Grants were available twice a year and there was a possibility that this would be the last year for the MHP Grant. She also stated that a meeting of the City Council to review the financing portion of the project was scheduled for March 30. She also responded to concerns about a three-story building, stating that three stories allowed for efficiency in heating and cooling and also allowed for more open and green space for the benefit of the tenants.

Councilman Christman suggested that the public hearing be continued to March 30.

City Attorney Holdaway indicated that the item could be continued; that because only three members of the City Council could be present on March 30, any action would require three votes.

Ms. Silverstein continued her presentation, including a PowerPoint of the proposed project outlining the amenities, facades, landscape plan, recreation features, and floor plans.

Jack Segal of Community Advisors, Inc, also responded to questions concerning affordability, family size appropriate for size of unit, and very-low income unit rent restrictions.

No other public testimony was offered, and the public hearing was closed. Discussion ensued. Councilman Christman stated that he would abstain because he was not present for the previous presentation and had not toured other Corporation for Better Housing developments.

Motion by Umeda, seconded by Ziprick and unanimously carried to direct the Clerk to read Council Bill #O-2006-02 by title only and adopt on roll call vote.

The Clerk read the title and called the roll with the following results:

| | |
|----------|--------------------------|
| Ayes: | Petersen, Ziprick, Umeda |
| Noes: | None. |
| Absent: | Brauer |
| Abstain: | Christman |

Ordinance No. 653

An Ordinance of the City Council of the City of Loma Linda amending the official Zoning Map of the City of Loma Linda from Multi-Family Residence (R-3) to Planned Community (PC) for that area on the east side of Poplar Street at San Timoteo Creek Channel and approximately 300 feet north of Van Leuven Street consisting of approximately 8.82 acres (Zone Change No. 06-01)

Motion by Ziprick, Seconded by Umeda and carried to approve Tentative Parcel Map No. 06-01 subject to the conditions contained in the staff report. Mayor pro tempore Brauer absent; Councilman Christman abstained.

Motion by Umeda, seconded by Ziprick and carried to approve Conditional Use Permit No. 06-01 subject to the conditions of approval contained in the staff report for the 44-unit, three-story affordable housing apartment building and conceptual approval of 25 affordable condominiums and 37 single-family market homes. Mayor pro tempore Brauer absent; Councilman Christman abstained.

CC-2006-060 – Consent Calendar

Motion by Ziprick, seconded by Umeda and carried (Mayor pro tempore Brauer absent) to approve the following items:

The Demands Register dated March 28, 2006 with commercial demands totaling \$638,035.34 and payroll demands totaling \$193,039.38.

The Minutes of February 14, 2006 as presented.

February 2006 Fire Department Stats Report for filing.

Street Improvements on Ohio Street as complete and recordation of a Notice of Completion for American Asphalt, contractor.

Waterline Improvements at Cole Street, Shedden Drive and Coloma Street as complete and recordation of a Notice of Completion for TK Construction, contractor.

A Pre-Annexation Agreement and request for City services for the Spanish SDA Church on property known as 11055 New Jersey Street (APN 0292-163-9) located within the City's Sphere of Influence but outside of the incorporated City Boundaries.

Installation of red curb on the north side of Redlands Boulevard, east of Curtis Street and on the south side of Redlands Boulevard, east of Anderson Street.

CC-2006-061 – Award of contract for audit services

Councilman Christman stated that a meeting with three potential auditing firms was scheduled with the Audit Committee, the City Manager and two members of the Finance Department; Mayor pro tempore Brauer was unable to attend. Subsequent to the interviews, recommendation was made. He stated that although there were no problems with the former audit firm, it was his opinion that 12 years with the same firm was too long. He then asked that a policy be developed for the rotation of audit firms on a more regular basis. He also asked that the contract include a clause to address cancellation should that be necessary.

Motion by Christman, seconded by Umeda and carried to award a three-year contract to Capporicci & Larson Certified Public Accountants, Costa Mesa for \$31,900 for fiscal year 2006 and \$32,450 for fiscal years 2007 and 2008 with an option to renew for an additional two-year term. Mayor pro tempore Brauer absent.

New Business

CC-2006-062 – Amend the 2005-2006 Budget to reflect revenue and expenditures relating to the Photo Enforced Red Light Camera Program

Finance Director DeAnda presented the report, noting that the Program was not in effect at the time the 2005-2006 Budget was adopted. She further stated that data was now available that permitted revenue projection and that since the photo enforcement program was cost neutral, compensation to Redflex would not exceed actual revenues received by the City.

Motion by Christman, seconded by Ziprick and carried to amend the 2005-2006 Budget to include revenue of \$456,000 and appropriate expenditures of \$255,500. Mayor pro tempore Brauer absent.

CC-2006-063 – Solar Energy Incentive Program

City Manager Holloway introduced the item, stating that in order to encourage citizens and developers to utilize solar power as a form of energy conservation, he asked the City Council to consider waiving permit fees for solar energy installation, approximately \$400/permit; and that a low interest loan fund or a City Program to promote solar energy be drafted.

Motion by Christman, seconded by Umeda and carried to waive permit fees for installation of solar systems. Mayor pro tempore Brauer absent.

City Manager Holloway stated that a Solar Energy Incentive Program would be submitted at a later date for City Council consideration.

CC-2006-064 – Council Ballot Initiative

Councilman Ziprick stated that he and Councilman Umeda considered various issues involving the South Hills; that the three components of the measure would relate to: 1) current city-owned land consisting of approximately 800 acres to be locked in as open space; 2) land in the hills acquired by the City through purchase would be added as open space; and 3) land acquired by density transfers to be added as open space. City land would be protected in perpetuity.

Councilman Umeda elaborated that the hills had become a divisive issue and a source of discord within the community. In reviewing the proposals relating to the South Hills, there was more common agreement on the principles that should guide development in the hillside areas than there were differences. By placing the measure before the community, the hillside development issue would hopefully turn from causing division and discord to something that would unify the community.

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He stated further that the measure was not proposed to legislate in detail but rather to gather the principles that were common in all the plans (the City, citizen groups, and responses from committee groups) and place those in a measure to deal with:

- 1) Capping the number of residential units for the South Hills and bench areas.
- 2) Retaining current South Hills density standards except for bench areas not subject to the Hillside Initiative.
- 3) Designating City-owned property as public open space by prohibiting residential development.
- 4) Encouraging clustering of homes and dedication of open space through density bonus transfers.
- 5) Targeting priority hillside areas for enhanced preservation and environmental protection.
- 6) Creating a legal mechanism that preserved City open space and dedicated land as open space in perpetuity.
- 7) Prohibiting commercial uses in South Hills except for commercial animal-keeping along Pilgrim Lane and commercial recreational uses, such as a golf course and amphitheater.
- 8) Examining methods to minimize traffic impact on existing residential areas.
- 9) Requiring all development in the South Hills and bench areas to be subject to additional General Plan Standards and Development Code Regulations.
- 10) Providing for the South Hills Protection Measure to supersede inconsistent General Plan Standards or Development Code Regulations.
- 11) Providing for the regulations within the South Hills Protection Measure to be changed only by a vote of the citizens.

He added that the measure was scheduled to be placed on the November 2006 ballot. He also stated that by avoiding detail in the Measure, there was flexibility to deal with the density transfer issue, and to minimize unanticipated consequences. The Measure would provide for predictable development in the hills and would address the concerns of the community.

He then asked Staff to draft the Measure with consideration given to the comments from the Committees. Councilman Ziprick added that it was anticipated that approximately 2000 acres would be designated as open space in perpetuity.

Those offering comments were Jonathan Zirkle, 24247 Barton Road, indicated support and suggested that prohibition of roads or cuts through the hills or targeted open space be added; that any parcels acquired by the City be deed restricted. He also suggested that some method of City-wide notification be considered.

Leroy Hansberger, 555 Cajon Street, Redlands, generally supported the Measure as presented and asked for a reasonable and practical timeframe.

Councilman Christman commented that placing the Measure on a ballot should not affect the adoption of the General Plan.

Councilman Ziprick stated that comments from the Committees would be incorporated into the General Plan, as would the bullet points presented this evening; therefore the General Plan could be adopted and then ratified by a vote of the people.

Reports of Officers

CC-2006-065 – Awards received for the Loma Linda connected Community Program

Director of Information Systems Hettrick stated that an award was received from Scenic, a non-profit organization that represented all of the educational institutions within the State and Community College Districts in the State of California. Another award was from Broadband Properties, a magazine that reviewed all 656 fiber networks in the country; Loma Linda received one of seven awards given, winning for the most creative approach using the ordinance model to meet the needs. The award from Corning and Light Wave Magazine was received in June 2005 and was an award given by nomination of peers. Verizon received the award in 2004. Loma Linda's project was the only project nominated by multiple nominees.

He commented that the City was hosting a fiber to home workshop in the upcoming weeks with reservations from 35 cities as well as other interested parties to view Loma Linda's Program. Loma Linda's network was of great value and local commercial entities had expressed interest.

CC-2006-066 – Volunteer Appreciation Event scheduled for Wednesday, April 26, 2006 at 6:00 p.m. in the Senior Center

Mayor Petersen noted that the Appreciation Event was to recognize those who volunteered their time and talent in various ways and provided an opportunity for the City Council to formally thank them.

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The City Council recessed at 10:13 p.m. to allow completion of the Redevelopment Agency Agenda and reconvened with all members present except Mayor pro tempore Brauer.

CC-2006-067 – Closed Session – Existing Litigation Noel Christensen et al., v City of Loma Linda et al., and San Bernardino Associated Governments et al., Case No. E038109 (Government Code Section 54956.9(a))

The City Council immediately recessed to consider the closed session item and reconvened at 11:35 p.m. with all members present except Mayor pro tempore Brauer. The City Attorney announced that the City Council met with Legal Counsel and there was no final action to report.

The meeting adjourned at 11:35 p.m. to 8:00 a.m. Thursday, March 30, 2006 for the purpose of conducting a joint public hearing with the Agency Board to consider the disposition and development of real property on the east side of Poplar Street south of San Timoteo Creek and north of Van Leuven Street.

Approved at the meeting of

PENDING CITY
COUNCIL APPROVAL

City Clerk

PENDING CITY
COUNCIL APPROVAL

City of Loma Linda

City Council and Redevelopment Agency Minutes

PENDING AGENCY
APPROVAL

Adjourned Regular Meeting of March 30, 2006

An adjourned regular meeting of the City Council and Redevelopment Agency was called to order by Mayor Petersen at 8:15 a.m., Thursday, March 30, 2006, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen and Agency Board Members Present: Floyd Petersen
Robert Christman
Charles Umeda

Councilman and Agency Board Members Absent: Stan Brauer
Robert Ziprick

Others Present: City Manager Dennis R. Halloway
City Attorney Richard E. Holdaway
Special Counsel Mark Huebsch

No public participation comments were offered upon invitation of the Mayor and no conflicts of interest were noted.

CC-2006-068

CRA-2006-21 – Closed Session – Conference with Legal Counsel and Real Property Negotiators (Government Code Section 54956.8)

Property: Approximately 8.8 acres on the east side of Poplar Street known as APN 0283-141-24-35, -36, -38, -46, -57, -58, -59, -63, -64, -67, -72, -73; 14, -15, -19, -31, -33, -42, -49, -51, -52, -53, -55, -56, -61, -62, -66 and -71

Negotiators: Dennis R. Halloway, Pamela Byrnes-O'Camb, and Charles Brumbaugh of Corporation for Better Housing

Under Negotiation: Price and terms of payment

The City Council and Agency Board immediately recessed to consider the closed session item as listed and reconvened at 9:00 a.m. with all members present except Councilmen/Board Members Brauer and Ziprick. Special Counsel Huebsch stated that the City Council/Agency Board discussed the item; Staff was given direction; and no other action would be taken at this time.

Scheduled and Related Items

CC-2006-069 – Joint Public Hearing – to consider the disposition and development of real property on the east side of Poplar Street adjacent to San Timoteo Creek and approximately 300 feet north of Van Leuven Street

- a. CRA Bill #R-2006-08 – Approving the Disposition and Development/Affordable Housing Agreement between the Loma Linda Redevelopment Agency and 10777 Poplar St., a California Limited Partnership for the lease and development of property known as APN 0283-141-24, -35, -36, -38, -46, -57, -58, -59, -63, -64, -67, -72 and -73 (Rental)
- b. Council Bill #R-2006-15 – Approving the Disposition and Development/Affordable Housing Agreement between the Loma Linda Redevelopment Agency and 10777 Poplar St., a California Limited Partnership for the lease and development of property known as APN 0283-141-24, -35, -36, -38, -46, -57, -58, -59, -63, -64, -67, -72 and -73 (Rental)
- c. CRA Bill #R-2006-09 – Approving the Disposition and Development/Affordable Housing Agreement between Loma Linda Redevelopment Agency and Main Street Development Group, LLC, a California limited liability company for the development of property known as APN 0283-141-14, -15, -19, -31, -33, -42, -49, -51, -52, -53, -55, -56, -61, -62, -66 and -71 (For Sale)
- d. Council Bill #R-2006-16 – Approving the Disposition and Development/Affordable Housing Agreement between Loma Linda Redevelopment Agency and Main Street Development Group, LLC, a California limited liability company for the development of property known as APN 0283-141-14, -15, -19, -31, -33, -42, -49, -51, -52, -53, -55, -56, -61, -62, -66 and -71 (For Sale)

As a result of the closed session announcement, no action was taken. The City Council and Agency Board adjourned at 9:01 a.m.

Approved at the meeting of